

REMARKS

Claims 1-53 are pending in the present Application. Claim 22 has been canceled and claim 17 has been amended, leaving claims 1-21 and 23-53 for consideration upon entry of the present Amendment.

Claim 17 has been amended to include the limitation of claim 22. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

The specification has been amended to correct a typographical error. After a careful review of the application, Applicants noted that the claims are not consecutively numbered as no claim 38 was present when the application was filed.

Applicants wish to thank the Examiner for his indication of allowability for claims 24-30 and 37-43.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-5, 7, 11, 14-20, 22-23, 31-34, 36, 44-46, and 50-53 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by WO 93/19128 (hereafter referred to as 19128). Applicants respectfully traverse this rejection.

19128 discloses a composition having low gloss. The composition comprises an admixture of a polycarbonate/polyester blend and either a polyphenylene ether or polyphenylene ether blend. The polyphenylene ether blend comprises one or more of the following: polystyrene; a random, alternate block, hydrogenated block or graft copolymer prepared from a vinyl aromatic compound and one or more member of the group consisting of a vinyl nitrile compound, a diene, an alkyl acrylate, an alkyl methacrylate, glycidyl methacrylate, ethylene/propylene/diene copolymer, maleic anhydride, an alkyl or aryl maleimide compound, and an oxazoline compound; a polyamide; a polycarbonate; a polyester; a poly(alkyl acrylate); or a poly(alkyl methacrylate) (page 2, lines 13-24). Exemplary polymers comprising acrylonitrile are described on pages 18-22, page 26, and page 28. While compositions comprising an acrylonitrile polymer are disclosed in 19128, no compositions are disclosed which contain an acrylonitrile containing polymer gel as is instantly claimed and described in the pending application beginning at paragraph [0020].

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Applicants respectfully assert that 19128 does not disclose each and every element of the pending claims, namely an acrylonitrile containing polymer gel. Reconsideration and withdrawal of this rejection are respectfully requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objection(s) and rejection(s) and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-1131

Respectfully submitted,

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